

Holding events in Western Australia

A guide for community organisations

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Contents

Holding events in Western Australia	4
Legal issues to consider when holding an event	5
Does your organisation need a permit?	6
How to get a permit	7
Other ways to identify which permits may be needed	7
Hiring a venue or equipment	8
Copyright, marketing and promotions	8
Playing live music, recorded music or music videos	8
Marketing and promotions	9
What about insurance?	10
Getting your own insurance	10
Additional insurances	10
What are your safety obligations?	10
Do you have to provide accessible events and activities?	12
What if you have sponsorship for the event?	13
Do you need to consider fundraising laws?	13
Tax considerations	13
Tax deductible gifts	13
Goods and Services Tax (GST)	14
Other issues	14
Acknowledgement of Country	14
Local council	14
Noise management	14
Events which may impact public transport, roads and traffic	15
Handbills	15
Toilets	15



Annexure	17
Event checklist.....	18



Holding events in Western Australia

**Legal issues to consider when
holding an event**

Legal issues to consider when holding an event

This section covers:

- ▶ permits
- ▶ hiring a venue and equipment
- ▶ copyright, marketing and promotions
- ▶ insurance
- ▶ safety
- ▶ accessibility
- ▶ sponsorship
- ▶ fundraising
- ▶ tax considerations,
- ▶ other issues

This guide outlines some of the main legal issues community organisations should consider when organising and holding an event in Western Australia.



Note

This guide does not specifically cover issues for events run outside Western Australia, even if the organisation running the event is Western Australia-based. However, you will need to consider many of the same legal issues if you are running an event outside Western Australia.

This guide contains general information, is not intended to provide an exhaustive list of all issues your organisation should consider and should not be used as a substitute for legal advice or tax advice. Your organisation may need to get specific legal and tax advice about its event plans and potential legal responsibility.

Please refer to [the full disclaimer](#) that applies to this guide.



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events may be subject to any government restrictions in force in your state or territory at all relevant times.

You need to make sure your organisation complies with these restrictions, which may relate to public safety, climatic or local conditions.



Event checklist

Use [our checklist](#) to help you work through some of the legal considerations for community organisations when holding an event.

Does your organisation need a permit?

The permits that your community organisation may need before holding an event (and for the duration of the event) will depend on:

- the type of event
- the activities that will take place
- the facilities which will be provided to patrons and participants including any particular goods or services (such as food, alcohol, merchandise and gaming), and
- the particular requirements of the relevant local council and other authorities



Permits are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- access to St John Ambulance services
- participation in the [Western Australian Companion Card Program](#)
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

This is not an exhaustive list and there may be other permits required for your event.



Example

For a fun run, you may need permits to:

- close a road or footpath
- provide access to St John Ambulance services
- film the event if it takes place on council land
- put up signs and banners marking the start and finish line, and
- play music and serve food and drink at the finish line

How to get a permit

Always check with your local council to see what permits you may require from them or other relevant authorities. Most councils have officers who can provide your organisation with information about permits, venue availability, public liability insurance requirements, selling food or alcohol and other issues associated with your event. This information may also be available on your local council's website.

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and often provide detailed event planning guides to help you through the process.

You may also need to contact other authorities, such as the [WA Government Department of Local Government, Sport and Cultural Industries](#) (for liquor licences and other kinds of permits).



Caution

Community sporting events can take place on ANZAC Day before 1pm if an admission fee is not required or donation is not sought from spectators.

For community sporting events with less than 5,000 spectators, there is no need to fill out a statutory declaration or make a payment to the ANZAC Day Trust.

Other ways to identify which permits may be needed

One way to identify local, state and federal permits, licences and registrations that are relevant to your event is to access the [Australian Business Licence Information Service \(ABLIS\)](#).

Although designed mainly to help small businesses, ABLIS may be helpful for community organisations working out the permits, licences or registrations they need.



Tip

The '[Not sure where to start](#)' search option is a useful way to determine which licenses and permits you may need depending on the type of event that you plan to hold.

The Western Australian Department of Local Government, Sport and Cultural Industries Office of Multicultural Interests has also published an [event management guide](#) for culturally and linguistically diverse community groups who wish to plan an event.



Hiring a venue or equipment

An agreement to hire a venue or equipment is usually a legally-enforceable contract.

This means it's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these. In particular, be aware of the terms and conditions relating to insurance, liability and indemnity (see below) and your organisation's obligations to repair or replace any damage to equipment or property.

You should also carefully consider your payment obligations and whether these will still apply if you need to cancel the event for any reason (such as not selling enough tickets, because of poor weather conditions or because of COVID restrictions).



Note

You may still have to comply with your contractual obligations under a hire agreement, even if your event doesn't run. You should obtain legal advice if you don't understand the terms of a hire agreement, or if it imposes significant financial obligations on your organisation. Similarly, you should seek specific legal advice if it becomes necessary to postpone or cancel your event.

Copyright, marketing and promotions

Playing live music, recorded music or music videos

If you are planning to broadcast, communicate or publicly perform recorded music or music videos at your event, there are two main copyrights to consider:

- the copyright in the musical work, and
- the copyright in the audio recording of the musical work

You can obtain a licence that covers the copyright in the public performance of both the musical work and sound recording from [OneMusic Australia](#).

However, these licences are available separately from [Australasian Performing Right Association Limited](#) and [Australasian Mechanical Copyright Owners Society \(APRA AMCOS\)](#) and the [Phonographic Performance Company of Australia Limited \(PPCA\)](#).



Caution

Simply buying a CD or a DVD doesn't give your organisation the right to play that music or music video in a public setting or at a public event.



Examples

If you play music protected by copyright out loud in a public place, for a commercial purpose, this is a public performance of music and requires a licence from OneMusic Australia.

OneMusic Australia offers more than 20 licence types, including for:

- clubs – including bar, dining and gym areas, certain 'featured' musical events and dance classes
- community halls – not owned by the local council, including church hall, scout/guide hall or arts halls
- community music groups – bands, choirs, ensembles and other performance groups
- functions – convention and conference centres, exhibitions, summits, fairs and awards nights
- places of interest, activity and amusement – bowling alleys, fun parks, zoos, museums, sporting venues, exhibition spaces, galleries and other places of entertainment
- sports – sporting venues and clubhouses, and
- schools

Marketing and promotions

Before marketing an event, make sure you have the necessary permissions if you are using photographs, videos and text. This also includes using photographs, videos, music or text on online forums (for example, your website or blog) or on social media platforms. You may need permission from the copyright owner for materials that have been created by someone else.



More information

Refer to the [Australian Copyright Council website](#) for information about when permission is required and how to request permission to use copyrighted works.

When advertising an event, make sure your organisation abides by any applicable laws or codes, such as consumer laws regarding misleading and deceptive conduct.

In addition, if you plan to take pictures or videos at your event and want to use the images or film in a public forum, or in future promotional material, (such as a website, brochure, newsletter, pamphlet or poster) you may need to seek permission from the people who appear in the content pursuant to privacy laws.

Seeking permission often means obtaining signed release forms from the people who appear in any images or videos you collect. A release form should explain what you'll be using the image or video for, and you should not use or share the image or video for any purpose other than that stated. Some local councils require you to obtain a permit before the event if you plan to take pictures or videos at your event.



More information

For more information, see our [guide to advertising and fact sheet on social media on our communications and advertising webpage](#).

What about insurance?

Getting your own insurance

As the organiser of an event, it's likely your community organisation will need to take out public liability insurance, particularly if your event will be held on council or public land.

Often, the owner of land or a venue you want to hire will insist that your community organisation have public liability insurance of at least \$20 million. You should check with your local council for further information. Some councils and other organisations will also ask you to list them in your policy as an 'interested party' and will request a copy of the policy (or the certificate of currency) before giving permission to hold your event.



Caution

Your organisation should not ignore requirements set out in lease agreements or permit conditions.

It may be a condition of your agreement to use the land or venue, or a condition of a permit, that all parties providing entertainment are covered by your insurance. Make sure you carefully read all your agreements and permits well in advance of your event.

Additional insurances

There may be a range of other insurances that your organisation will be required to get or will need to consider. These may include:

- if you are selling food or other products to the public – **product liability insurance**
- if you are relying on volunteers to help you with the event – **personal accident insurance**
- if you are hiring employees to help you with the event – **workers compensation insurance (WorkSafe Injury Insurance)**, and
- if you are hiring independent contractors – review the agreements that you have with your independent contractors. Such agreements should specify the insurance cover you need your independent contractors to have in place



More information

For more information about insurance, see our [webpage on risk and insurance](#).

What are your safety obligations?

Your organisation will have a legal obligation to make sure your event is safe.

Your organisation owes this obligation to the people involved in organising the event (volunteers, employees, independent contractors) and anyone who comes to the event (members of the public).

Generally, organisers of an event will owe a duty of care to participants. This means that an organisation must take precautions against any reasonably foreseeable risk of harm to people attending events.



In determining legal responsibility, courts will consider whether:

- your organisation reasonably foresaw (or should have reasonably foreseen) that its activities and actions (or inaction) created a risk of loss, damage or injury to a participant
- the risk of harm was not insignificant
- in the circumstances, a reasonable person would have taken precautions against the risk of harm, and
- the harm occurred because of the negligence (so it's appropriate for the scope of legal responsibility to extend to the harm caused)

Reasonably practicable steps

Work health and safety (**WHS**) laws also impose a duty of care on employers to take reasonably practicable steps to protect the health, safety and welfare of workers in Western Australia.



What is reasonably practicable is what is reasonably able to be done to ensure health and safety, including:

- the likelihood of the hazard or risk occurring
- the degree of harm that might result from the risk
- what the organisation knows (or ought to know) about the risk and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk, and
- the cost of eliminating or minimising the risk, including whether this is disproportionate to the risk

Negligence or reckless conduct, or failure to comply with a health and safety duty is an offence which can attract a penalty, imprisonment, or both.



More information

[WorkSafe WA](#) has published resources your organisation can use to undertake a risk assessment of your proposed event.



More information

For more information about work health and safety laws, see our [webpage on work health and safety](#).

Your local council should also be able to provide specific advice in relation to safety, security and emergency procedures that apply to your community organisation's proposed event (and may require a safety plan to be put in place).

To ensure the safety of equipment, goods and persons, consider whether you need to notify some groups (or organise for them to be at your event), including:



- WA Police
- Department of Fire & Emergency Services or State Emergency Services
- an appropriately qualified first aid provider, for example St John Ambulance or the Western Australia Ambulance Service
- private security, and
- [WorkSafe WA](#)



Tip

Consider whether you need to arrange background checks or Working with Children Checks for certain people. See our [webpage on background checks](#).

Do you have to provide accessible events and activities?

Equal opportunity legislation applies in Western Australia. These laws may prohibit discrimination against certain people on the basis of a person's impairment or disability, age, sex, sexuality, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes. Some exceptions to the laws apply.

In general, equal opportunity laws apply when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs).

Your organisation could be covered by these laws and should put reasonable measures in place to ensure that your event (including providing goods and services) is accessible to all people.



More information

[The Disability Advocacy Resource Unit website has published articles and guidelines on making events accessible including Accessible Events: A Guide for Meeting and Event Organisers and a Guide for Accessible Events for People with Disability.](#)



Tip

Before planning an event, check that the venue can reserve or allocate seating for people who use a wheelchair. Select accessible venues for people who may have physical disabilities such as hearing or sight limitations, or who require wheelchair access.



Tip

If you are charging an entry fee for your event, register for the [Western Australian Companion Card Program](#). This allows people with a disability requiring lifelong attendant care support from a companion to attend events and projects without having to pay for a second ticket for their companion.



What if you have sponsorship for the event?

If your community organisation is intending to share the cost of staging an event through sponsorship, it's recommended that you and your sponsor partner enter into a sponsorship agreement.

A sponsorship agreement will generally be a legally enforceable contract. Your organisation should be sure that it can comply with the terms of the contract, especially if there are any conditions around sponsorship money (for example, any requirement that your organisation refund sponsorship money if you don't meet your obligations under the agreement or if the event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Do you need to consider fundraising laws?

There are laws that regulate fundraising in Western Australia.

In Western Australia, fundraising includes activities such as:

- fetes, functions, entertainment, doorknocking, telemarketing, television-radio appeals, street appeals and mail outs, as well as advertising at certain types of events,

where it's held out that any part of the proceeds of such activities are to be devoted for any charitable purpose.

Such fundraising does not include funds raised solely through the sale of goods where valuable consideration is involved (for example, sale of confectionery) and not for any charitable purpose.

To fundraise in Western Australia you may be required to have a Charitable Collections Licence. To obtain a licence you will need to lodge an application form with the [Commissioner for Consumer Protection](#).

There are also separate laws that regulate raffles, bingo and street collections, which are administered by the [Western Australian Department of Local Government, Sport and Cultural Industries](#).



More information

For more information about fundraising law and gaming law requirements, see our guide to fundraising and our fact sheet on fundraising events involving minor gaming on our [fundraising webpage](#)

Tax considerations

Tax considerations may be relevant to fundraising at your event.



Note

Donations and contributions are treated differently.

Tax deductible gifts

If you want donors to be able to give tax deductible gifts or donations at your events, you need to be endorsed as a deductible gift recipient (**DGR**).

Certain requirements need to be met in order to become a DGR or to satisfy tax deductibility requirements for benefiting donors.



More information

For more information on gifts and fundraising, see the [Australian Tax Office website](#) and our [webpage on DGR](#).

Goods and Services Tax (GST)

You may also be required to pay GST if you are selling tickets to your event. Generally, if you are registered for GST and you are selling tickets to a fundraising dinner or similar function in the course of your organisation's activities, you must pay GST on the tickets you sell. However, you should seek specific tax advice in relation to this issue. There are GST concessions and rebates available to many charities and not-for-profits.



More information

For more information, see [our webpage on Goods and Services Tax](#).

Other issues

There are many other issues you may wish to consider when organising your event. The following is a non-exhaustive list.

Acknowledgement of Country

An Acknowledgement of Country is an opportunity for anyone to acknowledge that Australia has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the Traditional Owners of the land.

An Acknowledgement of Country is given at the beginning of a meeting, speech or event (such as conferences, events, concerts, government and local government meetings and official openings).

A Welcome to Country is also given at the beginning of a meeting, speech or event, but may only be delivered by Traditional Owners, or Aboriginal and Torres Strait Islander peoples who have been given permission from Traditional Owners, to welcome visitors to their Country.



More information

For more information, see [Reconciliation Australia's guide to giving an Acknowledgement of Country](#).

Local council

It's important to discuss your proposed event with the local council to find out the particular processes that might apply to the local council area, including:

- any formal approvals that might be required, and
- any particular rules or regulations that may apply to the location in which you wish to hold your event

Noise management

Managing noise at events using public open spaces is an important consideration. Local councils may place restrictions on noise levels, as well as limits on use of amplification, unless written approval from the council



has been obtained (for example, not to exceed 72dB when measured three metres from the sound source, or amplified sound must not start before, and must end by, certain times).

It is illegal for an event to make 'unreasonable noise'.

A noise emission, when received at other premises, must:

- not cause or significantly contribute to a level of noise which exceeds the assigned level for premises of that kind (for example, residential, commercial) at the relevant time of day, and
- be free of tonality, impulsiveness and modulation

There are limited exceptions for community events and exemptions for sporting, cultural or entertainment events that are open to the public. Applications for approval of a sporting, cultural or entertainment event that is likely to result in the emission of noise are made to the CEO of the [WA Environmental Protection Authority](#).

As an event organiser, you will need to:

- consider the amenity of the surrounding area when running your event, including noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons, and then
- identify ways to mitigate potential disturbances of the neighbourhood

Events which may impact public transport, roads and traffic

If the organisation of your event will require the closure of any roads (or otherwise disrupt road users) you should notify [Main Roads WA](#), the local government and the WA Police.

You may need to apply for a road closure order from the WA Police (which generally requires signing by the WA Police, the local government and where applicable, the Commissioner of Main Roads).

For certain events, applications may need to be made at least six months before the event.

Traffic management should be in accordance with the applicable [code of practice](#) including the [Traffic Management for Events Code of Practice](#) (which sets out requirements in respect of events application and approvals).

If your event is to be held in the Perth Metropolitan area and attendance is likely to exceed 5,000 you should consult with [Transperth](#) at least six months before the event.

If you expect to attract less than 5,000 you may still wish to consult with Transperth to consider providing additional public transport services.

Public transport services for events are required to be confirmed at least 12 weeks before the event. Further information can be found on the [Transperth website](#).

Handbills

'Handbills' includes flyers, leaflets, brochures, place cards, notices, pamphlets, free newspapers or other printed materials. You may wish to distribute handbills before and at your event.

You should check whether there are any specific requirements at your local council, including:

- whether a specific permit is required
- what those permit conditions are, and
- whether any bond or infringement notices will be levied if those permit conditions are breached

In some cases, permit conditions may stipulate that the handbill itself must contain specific information (such as 'Do Not Litter' in readable font).

Toilets

Organisers should ensure there are an adequate number of toilet facilities available to attendees, based on the number of persons expected to attend. Where existing toilet facilities are inadequate for an event, additional portable units must be made available.

Toilet locations should be:



- well-marked (including with appropriate signage where applicable)
- well lit (including the surrounding area) if night usage is expected
- serviced on a 24-hour basis (including pump-out of portables) or more frequently if required during the event (with vehicle access made available), and
- located a suitable distance from food storage and food service areas

Where portable facilities are being provided, you should consider discussing these issues with a trusted supplier. Unisex toilets will also need to be provided for people with access needs.



More information

For more information on the provision of toilet facilities and other guidance to help manage and eliminate risks associated with public buildings and mass gatherings, go to [Western Australia's Department of Health website](#).



Annexure

Event checklist

Event checklist

This checklist highlights some of the major considerations for community organisations when holding an event.

Complete this checklist when holding an event



Note

- This checklist is not a complete list of all issues that your organisation should consider.
- The laws that may apply to your event are different in each state and territory.
- Your organisation may need to get specific legal advice about its event plans and potential liability.



More information

For more information about the legal issues involved in holding an event in your state or territory, visit [our events webpage](#)



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events may be subject to any government restrictions in force in your state or territory at all relevant times.

You need to make sure your organisation complies with these restrictions, which may relate to public safety, climatic or local conditions.

Do you require a permit for your event?

Check with your local council (or local authority) to see what council-specific permits you may require before running your event. Other bodies or organisations may also require you to obtain a permit or licence.



Permits or licenses are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- access to St John Ambulance services
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

- Public or council land**
- Temporary structure**
- Food**
- Alcohol**
- Gaming**
- St John Ambulance**
- Gas cylinders**
- Open flame**
- Fireworks**
- Using footpath or closing road**

This is not an exhaustive list and there may be other permits and licenses required for your event. Each state and territory, as well as each council, may have specific or unique requirements and in the case of a council, its staff should be able to provide you with guidance. For example, some local councils and authorities now encourage sustainable measures when holding events.

**Tip**

The [Australian Business Licence Information Service website](#) may help you work out what licenses and permits you may need depending on the type of event you plan to hold.

If you are hiring a venue or equipment, have you considered the terms and conditions?

An agreement to hire a venue or equipment is usually a legally enforceable contract, so it's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these.

In particular your organisation should be aware of the terms and conditions relating to insurance or indemnity (see below), and your organisation's obligations to repair or replace any damage to equipment or property.

Have you conducted risk assessments relevant to your event?

Consider things that could go wrong as a result of running the event and what your organisation can do to avoid these risks, or at least minimise the chance they will happen.

Risk assessment doesn't have to be a formal process (although if you are a large organisation, or your event involves higher risk activities, you may need to document a formal risk management plan).

For events with low risk activities, assessing risks can simply mean setting aside an hour at a committee meeting to consider any risks that might occur and any steps to be taken.

When thinking about the risks arising from events, focus specifically on those that may arise from the involvement of those both 'internal' (such as its members, staff or volunteers) and 'external' (such as clients, members of the public) to the organisation.

Do you need to notify anyone about your event for safety reasons?

Contact local council or police about:

Traffic management

Noise management

Public transport

Your local council should be able to provide specific advice in relation to safety, security and emergency procedures applicable to your community organisation's proposed event.

Consider whether you need to notify or organise for some of the following groups to be at your event:

- the Police
- the local fire services and other relevant emergency services
- a first aid provider such as St Johns Ambulance
- private security, and
- the local work health and safety authorities



Do you need event insurance?

- Public liability insurance
- Voluntary workers personal accident insurance
- Product liability insurance
- Workers compensation insurance
- Independent contracting agreements

Your organisation has a legal obligation to make sure its event is safe.

Your organisation will owe this obligation to people involved in organising the event: volunteers, employees, independent contractors and anyone who comes to the event (for example, members of the public).

For this reason, it's likely that you will need to take out public liability insurance, particularly if your event is to be held on council or public land. If your organisation already has public liability insurance, it should check that the insurance covers the event that will be held.

Owners of land or venues often will insist that organisations hiring or using the land or venue have public liability insurance of at least \$10 million. Some councils and other organisations will specify that your insurance be with a specific provider and ask you to list them in your policy as an 'interested party' and will request a copy of the policy before giving permission to hold your event. Your organisation should ensure it complies with these requirements.

Checking others' insurance

If your community organisation is booking amusements or other entertainment for an event, insist on receiving a copy of that entertainer's current public liability policy before the event. Try to ensure that participants at your event (like food vans) have their own public liability insurance.

Additional insurances

There are a range of other insurances that your organisation could be required to get or could consider getting if the following applies to the event:

- selling food or other products to the public – you should consider product liability insurance
- relying on volunteers to help you with the event - personal accident (volunteers) insurance, and
- using employees to help you with the event – workers compensation insurance



More information

For more information about risk management and insurance, see our [webpage on risk and insurance](#).

If your event is to raise money – do you need to consider other legal requirements?

Yes. There are laws that regulate fundraising in most states and the ACT in Australia. If your community organisation is considering holding a fundraising event you will need to comply with the laws that regulate fundraising. There are also laws that regulate raffles, bingo and gaming.



More information

For more information, see our [webpages on fundraising, raffles, minor gaming and trade promotions](#).

Have you considered accessibility and discrimination?

Appropriate arrangements for people with disabilities

Equal opportunity and anti-discrimination legislation apply in most states. These laws prohibit discrimination against people on the basis of a 'protected attribute' (protected attributes include a person's impairment or disability, age, sex, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes). Some exceptions to the laws apply.

In general, equal opportunity laws apply to prevent discrimination when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs). Your organisation should put reasonable measures in place to ensure that your event (and goods and services) are accessible to all people. Even if your organisation is not covered by these laws, it's best practice to put such measures in place.

Does your event involve food, alcohol, adventure activities, sport or travel?

If your event involves food, alcohol, adventure activities, sport or travel, particular legal obligations may apply.

Performances by live artists or recorded music carry additional issues, such as event licences, which may need to be considered.

Licence from OneMusic Australia to perform music or play recorded music

Permission to use photographs, videos and text created or owned by other people

Release forms for people featured in future promotional materials



More information

For more information, see [our event fact sheet](#) for your state or territory.

Acknowledgement of country

An Acknowledgement of Country should be given at the start of meetings and events.

